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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,155	03/19/2004	John R. Decky	DEC-001	6406

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,155

Applicant(s)

DECKY, JOHN R.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims.

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/04 & 6/3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: referring to line 2, "front wheel" should be --wheels--. Appropriate correction is required.
2. Claim 9 is objected to because of the following informalities: referring to line 2, "elongated bodies shaped end and dimensioned" should be --elongated bodies shaped and dimensioned--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

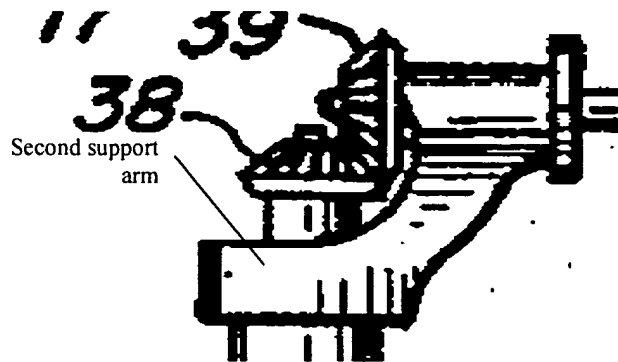
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 6-16 rejected under 35 U.S.C. 102(b) as being anticipated by Bayer et al. (US 2,598,489).
5. With respect to claim 1, referring to FIGS. 1-6 Bayer et al. disclose a cart 10 for moving large irregularly shaped articles comprising a base 30, first upwardly extending arm 11, first upwardly extending arm proximal end 15, second upwardly extending arm 12, second upwardly extending arm proximal end 15, lift mechanism 30 including a first support bar 33 and second support bar (FIG. 3 as shown), and a crank arm 40 to control movement of a first support bar 33.

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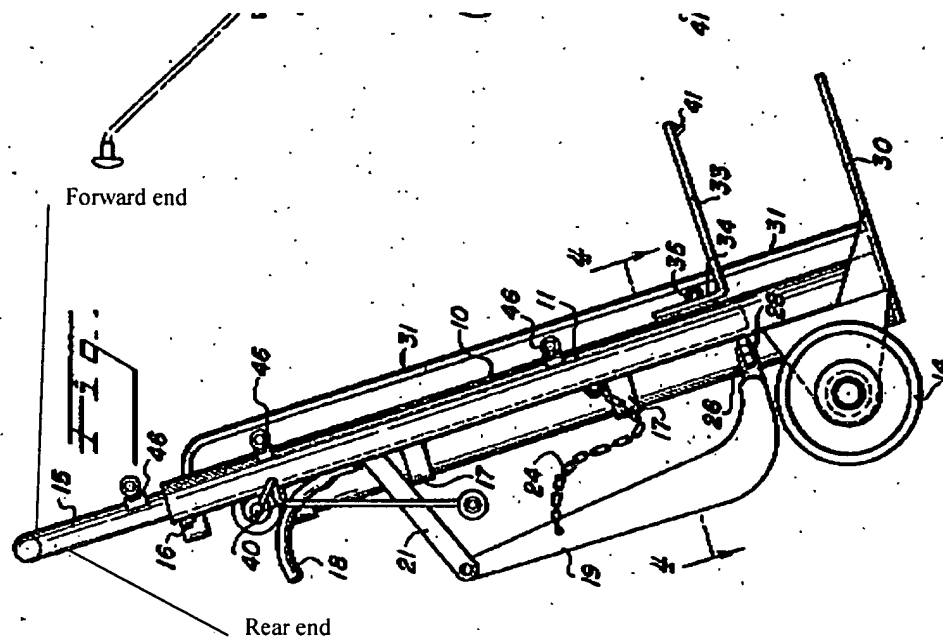


6. With respect to claim 6, referring to FIGS. 1-6 Bayer et al. disclose first upwardly extending arm proximal end 15 and second upwardly extending arm proximal end 15 each have a handle 15 curved in a U-shape (FIGS. 2 as shown).

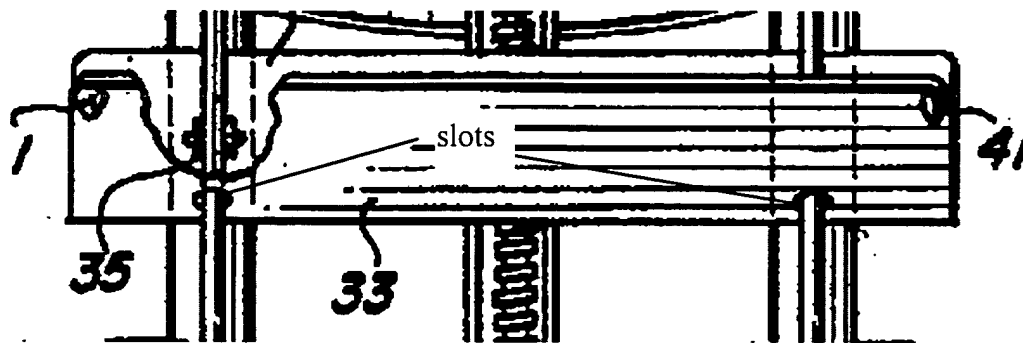


FIG. 2

7. With respect to claim 7, referring to FIGS. 1-6 Bayer et al. disclose a handle forward end 15 (FIG. 1 as shown) aligned with a upwardly extending arm distal end and a handle rearward end (FIG. 1 as shown) aligned with rear wheels rear edge.



8. With respect to claim 8, referring to FIGS. 1-6 Bayer et al. disclose a first support bar 33 which includes a first coupling member 41 and a second coupling member 41.
9. With respect to claim 9, referring to FIGS. 1-6 Bayer et al. disclose a first coupling member 41 and second coupling member 41 are elongated bodies.
10. With respect to claim 10, referring to FIGS. 1-6 Bayer et al. disclose a first coupling member 41 and second coupling member 41 are secured to a first support bar 33.
11. With respect to claim 11, referring to FIGS. 1-6 Bayer et al. disclose a first support bar 33 with slots (FIG. 2 as shown) to mount a first coupling member 41 and second coupling member 41.



12. With respect to claim 12, referring to FIGS. 1-6 Bayer et al. disclose a first coupling member 41 and second coupling member 41 include locators.
13. With respect to claim 13, referring to FIGS. 1-6 Bayer et al. disclose a crank arm 40 which includes a threaded shaft 39 that engages a threaded cylinder 38 which is secured to a first support bar 33.
14. With respect to claim 14, referring to FIGS. 1-6 Bayer et al. disclose a threaded shaft 39 telescopically received within a threaded cylinder 38.
15. With respect to claim 15, referring to FIGS. 1-6 Bayer et al. disclose a crank arm 40 and handle 40.
16. With respect to claim 16, referring to FIGS. 1-6 Bayer et al. disclose a base 30 is collapsible.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 2-5 & 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over

Bayer et al. (US 2,598,489) as applied to claim 1 above, and further in view of Lebre (US 3,388,820).

19. With respect to claims 2-5 & 19-20, Bayer et al. does not disclose a C-shaped base

with one pair of wheels on a fixed axis and one pair of wheels which pivot. Referring to FIGS. 1-6 Lebre discloses a cart for moving large irregularly shaped articles comprising a C-shaped base 27 which includes an opening along a forward end, pair of rear wheels 2 and a pair of front wheels 25 that pivot. Lebre teaches that a C-shaped base and pairs of counterbalancing wheels provides a vertical load hoisting means has maximum approach into an area surrounding an article to be lifted.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cart of Bayer et al. to include a C-shaped frame with rear wheels on a fixed axis and front wheels which pivot, as per the teachings of Lebre, such that a vertical load hoisting means maximum approach into an area surrounding an article.

20. With respect to claims 17-18, Bayer et al. does not a base having lateral frame

members which collapse. Referring to FIGS. 1-6 Lebre discloses a cart having a base 27 including includes a first lateral frame member 27 and a second lateral frame member 27 which collapse. It is noted that Lebre discloses by pivoting. Col. 3, lns. 23-29. Lebre teaches that first and second lateral frame members which collapse provides a vertical load hoisting means with maximum approach into an area surrounding an article to be lifted and the ability to position front wheels 25

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according to the dimensions of an article. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cart of Bayer et al. to include a first and second lateral frame members which collapse, as per the teachings of Lebre, such that a vertical load hoisting means may gain maximum approach into an area surrounding an article to be lifted and position front wheels according to the dimensions of an article.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2,316,614 to Pierce

US 2,516,260 to Schildmeier

US 2,545,440 to Barber

US 2,903,147 to Davis

US 4,722,511 to Chitwood

US 5,123,803 to Crabtree

US 5,379,814 to Posly

US 6,135,466 to Irwin


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa


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